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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**Eugene Division**

AARON OLAF ORTEGA GONZALEZ,

Plaintiff,

v.

KRISTI NOEM, Secretary of the Department  
of Homeland Security; U.S. DEPARTMENT  
OF HOMELAND SECURITY; TODD  
LYONS, Acting Director of Immigration  
Customs Enforcement (“ICE”); and U.S.  
IMMIGRATION AND CUSTOMS  
ENFORCEMENT,

Defendants.

Case No.

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

ORAL ARGUMENT REQUESTED

Expedited Hearing Requested

## INTRODUCTION

1. In April 2025, Defendants began secretly terminating the F-1 student status of numerous university students in Oregon and nationwide.<sup>1</sup> These terminations were covertly entered into the Student and Exchange Visitor Information System (SEVIS), a government database that tracks international students' compliance with their F-1 status or other student visas. The database, controlled by the Department of Homeland Security (DHS), is used by universities to track and document the continuing status of students who are authorized to be in the United States to study pursuant to F-1 or other student visas.<sup>2</sup> These terminations have upended the lives of students lawfully contributing to the innovation and prosperity of Oregon through their academic pursuits.

2. Plaintiff, Aaron Olaf Ortega Gonzalez, is a wildlife and conservation scientist. A citizen of Mexico, he was, until very recently, pursuing his Ph.D. in Rangeland Ecology and Management in the Department of Rangeland and Animal Sciences in the College of Agricultural Sciences at Oregon State University in Corvallis, Oregon, where his research focused on post-fire rangeland restoration and improving land management techniques.

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<sup>1</sup> See, e.g., *Oregon students lose visas amid immigration crackdown* (Apr. 16, 2025), <https://tinyurl.com/59sf4see> (last visited Apr. 16, 2025); *Oregon universities say some international students have suddenly lost visa eligibility*, <https://tinyurl.com/2zttvz75> (last visited Apr. 16, 2025); *International Student Visas Revoked*, Inside Higher Ed <https://tinyurl.com/pbrp458f> (Apr. 7, 2025) (map of revoked visas & SEVIS terminations) (last visited Apr. 16, 2025); *Student Visa Dragnet Reaches Small Colleges*, Inside Higher Ed (Apr. 8, 2025), <https://tinyurl.com/4fc9nac3> (last visited Apr. 16, 2025).

<sup>2</sup> SEVIS is “the web-based system that [DHS] uses to maintain information regarding,” F-1 students studying in the United States[.]” available at: <<https://studyinthestates.dhs.gov/site/about-sevis>> (last visited Apr 16, 2025) (permalink at <https://perma.cc/8K9K-4AQQ> ).

3. On April 4, 2025, Mr. Ortega Gonzalez's authorization to study and work on his research – his F-1 student status – was unilaterally terminated by Defendants without any notice or meaningful explanation, either to him or to his university.

4. This termination appears to be part of Defendant's recent actions to chaotically upend F-1 student status for students across the country on a mass scale, without the provision of notice or due process to the affected students and schools.

5. Because the termination of Mr. Ortega Gonzalez's F-1 student status was unlawful and in violation of both the Due Process Clause of the Fifth Amendment and the Administrative Procedure Act, the Court must intervene. Mr. Ortega Gonzalez seeks an order setting aside and declaring unlawful Defendants' termination of his SEVIS status and ordering restoration of his SEVIS record and status.

### **JURISDICTION**

6. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et. seq.*

7. This court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (federal defendants), and the Fifth Amendment of the United States Constitution (Due Process Clause).

8. This Court may grant relief 5 U.S.C. § 706, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et. seq.*, the All Writs Act, 28 U.S.C. § 1651 and the Court's equitable powers.

### **VENUE**

9. Venue is proper because Plaintiff resides within this judicial district. Venue is further proper because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this District. 28 U.S.C. § 1391(e).

10. For these same reasons, divisional venue is proper under Local Rule 3-2.

### **PARTIES**

11. Plaintiff Aaron Olaf Ortega Gonzalez is a 32-year-old citizen of Mexico and resident of Oregon. He resides in Corvallis, Oregon.

12. Defendant Kristi Noem is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Defendants in this case, as well as all operations of DHS. Defendant Noem is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.

13. Defendant Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the agency's general operations, including the revocation of student visas.

14. Defendant U.S. Immigration Customs Enforcement is the federal agency responsible for enforcing U.S. immigration law within the interior of the United States. It is a component agency of Defendant U.S. Department of Homeland Security. ICE is responsible for the termination of Plaintiff's F-1 student status in his SEVIS record.

15. Defendant U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Defendants.

16. This action is commenced against all Defendants in their official capacities.

### **LEGAL FRAMEWORK**

17. Under the Immigration and Nationality Act ("INA"), noncitizens can enroll in government-approved academic institutions as F-1 students. *See* 8 U.S.C. § 1101(a)(15)(F). Admitted students living abroad enter the United States on an F-1 visa issued by the U.S. Department of State. Upon entry, they are granted F-1 student status and permitted to remain in

the United States for the duration of status (“D/S”) as long as they continue to meet the requirements established by the regulations governing student visa classification, such as maintaining a full course of study and avoiding unauthorized employment. 8 C.F.R. § 214.2(f). Defendant DHS’s Student and Exchange Visitor Program (“SEVP”) administers the F-1 student program and tracks information regarding students with F-1 student status.

18. An academic institution must obtain formal approval from DHS before it can sponsor a student’s F-1 status. An institution must first file an application for School Certification through the SEVIS system, a SEVP-managed internet-based system used to track and monitor schools and noncitizen students in the United States. *See* 8 C.F.R. § 214.3. Oregon State University has been formally approved to sponsor F-1 students.

19. Each school that sponsors F-1 students has a Designated School Official (“DSO”) who monitors, advises, and oversees the students attending that school.

20. F-1 students are subject to an array of regulations, including maintaining a full course of study. 8 C.F.R. § 214.2(f)(6); *see generally* 8 C.F.R. § 214.2(f). F-1 students are also entitled to work on campus including for research projects at the post-graduate level. 8 C.F.R. § 214.2(f)(9)(i).

21. Once a student has completed their course of study, they generally have sixty days to either depart the United States or transfer to another accredited academic institution. 8 C.F.R. § 214.2 (f)(5)(iv). If a student has been approved to transfer to another school (including to pursue a higher degree), they are authorized to remain in the United States for up to five months while awaiting matriculation at the transfer institution. 8 C.F.R. § 214.2(f)(8)(i). If a student voluntarily withdraws from the F-1 program, “he or she has fifteen days to leave the United States.” *Id.* Finally, a student “who fails to maintain a full course of study without the approval

of the DSO or otherwise fails to maintain status” must leave the country immediately or seek reinstatement of their status. *Id.*

22. Termination of F-1 student status in SEVIS is governed by SEVP regulations. The regulations distinguish between two ways a student may fall out of status: (1) a student’s own “fail[ure] to maintain status”; and (2) an agency-initiated “termination of status.” *See* 8 C.F.R. § 214.1(d)-(g)

23. Students fail to maintain their F-1 student status when they do not comply with the regulatory requirements of F-1 status, such as failing to maintain a full course of study without prior approval. *See* 8 C.F.R. § 214.2(f)(7). Certain conduct unrelated to academics, including engaging in unauthorized employment, providing false information to DHS, or being convicted of a crime of violence with a potential sentence of more than a year, also “constitute[s] a failure to maintain status.” 8 C.F.R. § 214.1(e)-(g). DSOs at schools must report to SEVP, via SEVIS, when a student fails to maintain status. *See* 8 C.F.R. § 214.3(g)(2).

24. DHS’s ability to initiate the termination of F-1 student status “is limited by [8 C.F.R.] § 214.1(d).” *Jie Fang v. Dir. United States Immigr. & Customs E’f*, 935 F.3d 172, 185 n.100 (3d Cir. 2019). Under this regulation, DHS can terminate F-1 student status under the SEVIS system only when: (1) a previously granted waiver under 8 U.S.C. § 1182(d)(3) or (4) is revoked; (2) a private bill to confer lawful permanent residence is introduced in Congress; or (3) DHS publishes a notification in the Federal Register identifying national security, diplomatic, or public safety reasons for termination. *See* 8 C.F.R. § 214.1(d).

25. The revocation of an F-1 visa does not constitute a failure to maintain F-1 student status and otherwise cannot serve as a basis for agency-initiated termination of F-1 student status in SEVIS. An F-1 student visa refers only to the document that grants permission for a

noncitizen student to *be admitted to* the United States. After a student has been admitted, their F-1 student status (what is tracked in SEVIS) refers to their authorized stay and permission to be in the United States. If an F-1 visa is revoked *before* the student's admission into the United States, the student will not be admitted, and their F-1 student status in SEVIS would be cancelled.

However, the F-1 student status in SEVIS may not be terminated simply because of visa revocation *after* a student has been admitted into the United States. In DHS's own words, "[v]isa revocation is not, in itself, a cause for termination of the student's SEVIS record." *ICE Policy Guidance 1004-04 – Visa Revocations* (June 7, 2010).<sup>3</sup>

26. While a visa revocation can be charged as a ground of deportability in removal proceedings, deportability (and the revocation of the visa) can expressly be contested in such proceedings. *See* 8 U.S.C. § 1227(a)(1)(B); 8 U.S.C. § 1201(i). The immigration judge may also dismiss removal proceedings where a visa is revoked, so long as a student is able to remain in valid status or otherwise reinstates to F-1 student status. *See* 8 C.F.R. § 1003.18(d)(ii). Only when a final removal order is entered would the status be lost.

### FACTUAL BACKGROUND

27. Plaintiff Aaron Olaf Ortega Gonzalez is a wildlife and conservation scientist working on stewarding wildlife and wildlife habitats, ecosystem services, and conservation in Oregon, the United States, and Mexico. He has a particular focus on ecosystems disrupted and impacted by wildfires.

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<sup>3</sup> Available at <[https://www.ice.gov/doclib/sevis/pdf/visa\\_revocations\\_1004\\_04.pdf](https://www.ice.gov/doclib/sevis/pdf/visa_revocations_1004_04.pdf)> (last visited Apr. 16, 2025) (permalink at <<https://perma.cc/G2G3-B2WX>>).

28. Born and raised in Mexico, Mr. Ortega Gonzalez was, until his international student status was terminated unilaterally by Defendants on April 5, 2025, a doctoral student and graduate assistant at Oregon State University in Corvallis, Oregon.

29. After his undergraduate studies in Mexico, Mr. Ortega Gonzalez became involved in projects related to wildlife habitat conservation with conservation organizations in Mexico and later the Borderlands Research Institute at Sul Ross State University in Alpine, Texas.

30. In 2020, with encouragement and support from a professor at Sul Ross State University, he began the process of applying to the Sul Ross State University's graduate program. He applied for an F-1 student visa, was interviewed by consular officer, and was approved on or about July 20, 2021. He was admitted to the United States as an F-1 Nonimmigrant Student on July 31, 2021.

31. Mr. Ortega Gonzalez completed his master's degree in Ranchland and Wildlife at Sul Ross State in May 2024. He then was accepted into the Ph.D. program at Oregon State University (OSU). In August 2024, Mr. Ortega Gonzalez was admitted to the United States as an F-1 nonimmigrant student pursuant to papers issued by OSU so that he could pursue his Ph.D. He moved to Corvallis, Oregon, completed enrollment at OSU and began his doctoral program and research in September 2024.

32. Until Defendant ICE unilaterally terminated his SEVIS status, Mr. Ortega Gonzalez was enrolled in a four-year doctorate program at OSU, where he was pursuing his Ph.D. in Rangeland Ecology and Management in the Department of Rangeland and Animal Sciences in the College of Agricultural Sciences. He expects to complete his degree in June 2029.



33. Mr. Ortega Gonzalez's research focuses on the restoration of livestock ranchlands in Oregon that have been impacted by wildfires – a persistent problem in the state. After the 2020 wildfires damaged a substantial amount of rangeland, the State of Oregon partnered with cattle producers to undertake restoration plans, using different treatments to mitigate erosion in the fire scarred areas. Mr. Ortega Gonzalez's doctoral research is a complex study of the restoration process and treatment of these lands. He works collaboratively with ranchers to find effective and efficient restoration approaches for Oregon and other similar landscapes that have been impacted by wildfires.

34. In addition, through his doctorate program, Mr. Ortega Gonzalez worked as a research assistant until he was terminated unilaterally by ICE. This work enabled him to pay for necessities like rent and food while he pursued his research. This assistantship was his only source of income and is a core component of his doctoral training.

35. On April 8, 2025, Mr. Ortega Gonzalez received an email from the Executive Director of OSU's Office of International Services (OSI) informing him that the U.S. Government had terminated his SEVIS record. In this correspondence, he learned that OSI had discovered the termination of his SEVIS record during a routine audit of the Student Exchange and Visitor Program (SEVP).

36. The Office of International Services did not receive notice or a reasoned explanation for the termination of Mr. Ortega Gonzalez's status. Defendant ICE terminated Mr. Ortega Gonzalez's SEVIS record on April 4, 2025, providing only the following termination reason: "individual identified in criminal records check and/or has had their VISA revoked. SEVIS record terminated."

37. Mr. Ortega Gonzalez has never been charged with, let alone convicted of a crime. He is in compliance with the terms and conditions of his student visa and course of study.

38. To date, Mr. Ortega Gonzalez has not received any correspondence from the U.S. Government regarding the termination of his SEVIS record or the revocation of his F-1 student status. He was not provided any notice in advance and he was not given an opportunity to respond to the termination.

39. The Defendants actions have put Mr. Ortega Gonzalez's education, research, and career trajectory at risk. Mr. Ortega Gonzalez was forced to immediately halt his research project, as he can no longer work on campus.<sup>4</sup> Without status, he has lost his graduate assistantship funding for his research. He is also no longer able to work as a research assistant, as he can be employed by the university only subject to his valid F-1 student status. As a result of the termination of his SEVIS record, Mr. Ortega Gonzalez no longer can support himself financially in the U.S. and cannot afford tuition to continue his education.

40. The termination has also put Mr. Ortega Gonzalez at serious risk of immediate arrest and detention for removal proceedings—an outcome other students have already faced.

41. The unlawful termination of Mr. Ortega Gonzalez's F-1 student status is part of a clear policy and pattern/practice, whether written or not, perpetuated by Defendants to upend the lives of hundreds, if not thousands, of immigrant students nationwide. As of April 16, 2025,

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<sup>4</sup> “When an F-1/M-1 SEVIS record is terminated, the following happens: Student loses all on- and/or off-campus employment authorization,” available at <https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/terminate-a-student> (last visited Apr. 16, 2025) (permalink at: <https://perma.cc/BQ7J-FG9E>).

more than 1,400 terminations have happened at nearly 100 colleges and universities—including many universities and colleges in Oregon.<sup>5</sup>

42. The timing and uniformity of these terminations leave little question that DHS has adopted a nationwide policy, whether written or not, of mass termination of F-1 student status in SEVIS. While the exact details of the policy are not currently known, the experiences of Mr. Ortega Gonzalez and of other publicly reported cases strongly suggest that the terminations are being indiscriminately made.

## CLAIMS FOR RELIEF

### COUNT ONE

#### **Violation of the Fifth Amendment - Procedural Due Process Unlawful Termination of Plaintiff's F-1 Student Status**

43. Mr. Ortega Gonzalez restates and realleges all paragraphs as if fully set forth here.

44. The United States Constitution requires notice and a meaningful opportunity to be heard before being deprived of rights and interests that can be withdrawn only for cause by law.

45. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *accord Reno v. Flores*, 507 U.S. 292, 306 (1993).

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<sup>5</sup> *International Student Visas Revoked*, Inside Higher Ed <https://tinyurl.com/pbrp458f> (updated Apr. 16, 2025) (map of revoked visas & SEVIS terminations) (last visited Apr. 16, 2025); *Student Visa Dragnet Reaches Small Colleges*, Inside Higher Ed (Apr. 8, 2025), <https://tinyurl.com/4fc9nac3> (last visited Apr. 16, 2025).

46. Due process requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

47. Defendants terminated Mr. Ortega Gonzalez's F-1 student status under SEVIS without (i) notifying him of the termination decision and the reasons for it, (ii) providing him an individualized hearing before an impartial adjudicator, and (iii) providing Mr. Ortega Gonzalez with adverse evidence and an opportunity to confront and respond to such evidence.

48. Defendants' failure to provide notice and an opportunity to be heard violated Mr. Ortega Gonzalez's rights under the Fifth Amendment.

## **COUNT TWO**

### **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Not in Accordance with Law and in Excess of Statutory Authority Unlawful Termination of Plaintiff's F-1 Student Status**

49. Mr. Ortega Gonzalez restates and realleges all paragraphs as if fully set forth here.

50. Defendants' termination of Mr. Ortega Gonzalez's F-1 student status under SEVIS is a final agency action. *See Jie Fang*, 935 F.3d at 182 ("The order terminating these students' F-1 visas marked the consummation of the agency's decision-making process, and is therefore a final order[.]")

51. Under the APA, a court "shall . . . hold unlawful . . . agency action" that is "not in accordance with law;" "contrary to constitutional right;" "in excess of statutory jurisdiction, authority, or limitations;" or "without observance of procedure required by law." 5 U.S.C. § 706(2)(A)-(D).

52. Under 8 C.F.R. § 214.1(d), Defendants have no statutory or regulatory authority to terminate Mr. Ortega Gonzalez's F-1 student status in SEVIS based simply on revocation of his F-1 student visa. Additionally, nothing in Mr. Ortega Gonzalez's (lack of) criminal history,

academic record, or other applicable history or record provides a statutory or regulatory basis for termination or even for determining that Mr. Ortega Gonzalez has failed to maintain his F-1 status.

53. Additionally, in making its determination that Mr. Ortega Gonzalez's F-1 student status should be terminated, Defendants did not consider any facts relevant to Mr. Ortega Gonzalez's individual circumstances nor did it provide any explanation, let alone reasoned explanation, justifying its determination. As a result, Defendants arbitrarily and capriciously terminated Mr. Ortega Gonzalez's F-1 student status under SEVIS.

54. Defendants terminated Mr. Ortega Gonzalez's F-1 student status under SEVIS without affording him meaningful notice and an opportunity to be heard, contrary to his constitutional right to procedural due process.

55. Defendants' termination of Mr. Ortega Gonzalez's F-1 student status under SEVIS violates the Administrative Procedure Act (APA) and should be set aside pursuant to 5 U.S.C. § 706(2) as arbitrary, capricious, an abuse of discretion, contrary to constitutional right, contrary to law, in excess of statutory jurisdiction, and in violation of federal agencies' own rules.

### **COUNT THREE**

#### **Violation of Administrative Procedure Act and *Accardi* Doctrine Policy or Pattern & Practice of F-1 Student Status Terminations**

56. Mr. Ortega Gonzalez restates and realleges all paragraphs as if fully set forth here.

57. Defendants have adopted a policy or have engaged in a pattern-and- practice, of unilaterally terminating students' F-1 student status in SEVIS for reasons that do not rise to the level required for termination under 8 C.F.R. § 214.1.

58. Beginning on or around April 4, 2025, Defendants unilaterally terminated the F-1 student status of multiple students nationwide *en masse*, including Mr. Ortega Gonzalez.

59. Defendants did not affirmatively notify the affected students, including Mr. Ortega Gonzalez, or their schools. Instead, school DSOs learned, via SEVIS, that Defendants had terminated certain students' F-1 student statuses. In SEVIS, Defendants repeatedly and consistently recorded the same boilerplate reason across cases: "Individual identified in criminal records check and/or has had their VISA revoked. SEVIS record has been terminated." Defendants deliberately did not clarify which grounds they invoked under 8 C.F.R. § 214.1(d) to justify students' F-1 student status terminations—willfully denying students notice of the grounds for the terminations.

60. Defendants' policy and/or pattern-and-practice constitutes a final agency action and violates the Administrative Procedure Act (APA) and should be set aside pursuant to 5 U.S.C. § 706(2) as arbitrary, capricious, an abuse of discretion, contrary to constitutional right, contrary to law, and in excess of statutory jurisdiction, and a violation of the *Accardi* doctrine and federal agencies' own rules. *See Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Enter judgment in favor of Plaintiff and against Defendants;
- (3) Declare that Defendants' termination of Mr. Ortega Gonzalez's F-1 student status in SEVIS without affording him sufficient notice and opportunity to be heard violated his Fifth Amendment procedural due process rights;
- (4) Declare that Defendants' termination of Mr. Ortega Gonzalez's F-1 student status in SEVIS violated the Administrative Procedure Act (including under 8 C.F.R. § 214.1(d));

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

- (5) Declare that Defendants have adopted a policy, or have engaged in a pattern or practice, of unlawfully terminating students' F-1 student statuses, and that this policy and/or pattern-and-practice violates the APA;
- (6) Vacate or set aside Defendants's termination of Mr. Ortega's authorization to study and work, order that Defendants restore the same to Mr. Ortega Gonzales and restrain Defendants from terminating his status without a valid, lawful reason and without providing him meaningful notice and an opportunity to respond;
- (7) Award Plaintiff attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (8) Grant any further relief this Court deems just and proper.

Dated: April 16, 2025.

INNOVATION LAW LAB,

*/s/ Stephen W. Manning*

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*Attorneys for Plaintiff*